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MAY 1 8 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First N	lamed Applicant: Kimble) Art Unit: 2174
Serial	No.: 09/775,692) Examiner; Ke
Filed:	February 2, 2001) 50N3463.01
For:	WEB BROWSER PLUG IN FOR TV) May 17, 2006) 750 B Street, Suite 3120) San Diego, CA 92101
) Customer No.: 36738

RESPONSE TO NOTICE OF ABANDONMENT; RENEWED PETITION UNDER 37 CFR 1.137(b)

Commissioner for Patents Alexandria, VA 22313 Facsimile No.: (571) 273-8300

Dear Sir:

In response to the Notice of Abandonment dated April 24, 2006 and the Decision Dismissing Petition mailed on March 21, 2006 as obtained from the PAIR system, applicant submits the following statement:

The Notice of Abandonment, along with the Decision Dismissing Petition was sent to the correspondence address of counsel no longer of record. Although a Revocation Power of Attorney with New Power of Attorney and Change of Correspondence Address form was filed on January 12, 2006 and the acknowledgment postcard was date stamped by the USPTO on January 17, 2006, the Decision to Dismiss states that "the address in the petition filed on January 30, 2006 is different from the correspondence record". OIPE was contacted and the correspondence address has been changed to the address associated with Customer No. 24955 as of May 17, 2006.

The Decision to Dismiss Petition indicates that the Petition to Revive was dismissed due to insufficient funds in the deposit account listed on the originally filed transmittal letter of January 30, 2006. Inadvertently, an incorrect deposit account was submitted. On April 5, 2006 immediately upon knowledge of the error, counsel contacted Mr. Doug Lindsay in the Office of Finance and gave him the correct deposit account which submitted herewith. Mr. Lindsay has given us his assurance that the fees for the Petition for Revival and fees for the Petition for a three month extension of time were processed on May 17, 2006.

Enclosed herewith is the following:

- A copy of the Notice of Abandonment and the Decision Dismissing Petition. 1.
- The originally filed Petition for Revival of an Application for Patent Abandoned Unintentionally (2 2.
- The originally filed Petition for Extension of Time Under 37 CFR 1.136(a) (1pg). 3.
- The originally filed Response to the Office Action (3 pgs). 4.

We are transmitting a total of ______ page(s) including this cover sheet.

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CASE NO.: 50N3363.01 Serial No.: 09/775,692 May 17, 2006 Page 2

PATENT

Filed: February 2, 2001

5. The originally filed Revocation Power of Attorney with New Power of Attorney and Change of Correspondence Address.

The fees for the Petition to Revive and the Petition for three month extension of time was charged to Deposit Account No. 19-3195 on May 17, 2006. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Sony Deposit Account No. 19-3195 as required to correct the error.

The following fees were charged to Deposit Account No. 19-3195 on May 17, 2006, thus no additional fees are due:

- \$1500 Petition for Revival 1.
- 2. \$1020 - Petition for (3) Three Month Extension of Time

Respectfully submitted,

John 🗹 Rogitz

Registration No. 33,549

Attorney of Record

750 B Street, Suite 3120

San Diego, CA 92101

Telephone: (619) 338-8075

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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United Stand Parent and Tridemark Office Address: COMMISSIONER FOR PATENTS 7.0. Bot 19 june 22111-1439

APPLICATION NO.	PILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,692	02/02/2001	David Michael Kimble	50N3463.01	8893
26331 7	7590 04/7.4/2006		EXAM	NER
	RICHMAN, III		KEP	ENO .
P.O. BOX 333 LA JOLLA, C	-		ART UNIT	PAPER NUMBER
	•		2174	
			DATE MAILED: 04/24/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
61.4°	09/775,692	KIMBLE ET AL.
Notice of Abandonment	Examiner	Art Unit
	Peng Ke	224
- The MAJLING DATE of this communication app		2174
This application is abandoned in view of:		
Applicant's failure to timely file a proper reply to the Office (a) A reply was received on (with a Certificate of Magnetic for reply (including a total extension of time of)	tailing or Transmission dated)month(s)) which expired on	
(b) A proposed reply was received on but it does it		
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely filed Continued Examination (RCE) in compliance with 37 C	Notice of Appeal (with appeal fee); of	nendment which places the r (3) a timely filed Request for
(c) A reply was received on but it does not constitutional rejection. See 37 CFR 1.85(a) and 1.111. (See 6		npt at a proper reply, to the non-
(d) 🖾 No reply has been received.		
. 2. Applicant's failure to timely pay the required issue fee and from the mailing date of the Notice of Allowance (PTOL-8)		he statutory period of three months
(s) The issue fee and publication fee, if applicable, was , which is after the expiration of the statutory pe Allowance (PTOL-85).	received on (with a Certifice riod for payment of the issue fee (and	te of Malling or Transmission dated I publication fee) set in the Notice of
(b) The submitted fee of \$ is insufficient. A balance	of \$ is due.	_
The issue fee required by 37 CFR 1.18 is \$ The issue fee required by 37 CFR 1.18 is \$	he publication fee, if required by 37 C	FR 1.18(d), is \$
(c) 🔲 The issue fee and publication fee, if applicable, has not	t been received.	
: Applicant's failure to timely file corrected drawings as requi Allowability (PTO-37).	red by, and within the three-month po	irled set in, the Notice of
(a) Proposed corrected drawings were received on after the expiration of the period for reply.	(with a Certificate of Malling or Trans	mission dated), which is
(b) No corrected drawings have been received.		
☐ The letter of express abandonment which is signed by the the applicants.	attorney or agent of record, the assig	nee of the entire interest, or all of
. The letter of express abandonment which is signed by an a 1.34(a)) upon the filing of a continuing application,	attorney or agent (acting in a represe	ntative capacity under 37 CFR
. The decision by the Board of Patent Appeals and Interferer of the decision has expired and there are no allowed claims		the period for seeking court review
☑ The reason(s) below:	N	N
The petition to revive was dismissed.	Kristini Supervisory P	Linicaicl E KINCAID ATENT EXAMINER CENTER 2100
sitions to revive under 37 CFR 1.137(s) or (b), or requests to withdraw inimize any negative affects on patent term.	the holding of abandonment under 37 CF	R 1.181, should be promptly flied to

minimize any negative a U.S. Palent and Trademark Office PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060418



United States Patent and Trademark Office

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22319-1450

MERLE W. RICHMAN, III P.O. BOX 3333 LA JOLLA CA 92038

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MAR 2 1 2006

OFFICE OF PETITIONS

In re Application of

Kimble et al.

DECISION DISMISSING

Application No. 09/775,692

PETITION

Filed: 2 February, 2001 Atty Docket No. 50N3463.01

This is a decision on the petition under 37 CFR 1.137(b), 1 filed on 30 January, 2006.

:

The petition is DISMISSED.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

⁽¹⁾ the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

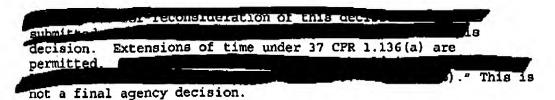
⁽²⁾ the petition fee as set forth in 37 CFR 1.17(m);

⁽³⁾ a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

⁽⁴⁾ any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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Application No. 09/775,692



The application became abandoned on 3 August, 2005, for failure to file a timely reply to the final Office action mailed on 2 May, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

In the absence of the petition fee, which is required by law, the USPTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. As petitioner has not asserted any grounds for the withdrawal of the holding of abandonment, the petition must be dismissed.

The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

While the petition requests that the petition fee be charged to counsel's deposit account, No. 50-1119, a review of Office financial records reveals that counsel's deposit account has a balance of \$100.00 on 31 January, 2006. An amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted.

The address in the petition is different from the correspondence record. A copy of this decision is being forwarded to the address in the petition. All future correspondence will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

3 37 CFR 1.25.

² See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

Application No. 09/775,692

3

By FAX:

(571) 273-8300

Attn: Office of Petitions

By hand: Customer Service Window

Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries should be directed to the undersigned at 571-272-3231.

Douglas I. Wood

Senior Petitions Attorney

Office of Petitions

cc: John L. Rogitz

750 B Street, Suite 3120

San Diego CA 92101

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Auto-Reply Facsimile Transmission



TO:

Fax Sender at 16193388078

1/001

Fax Information

Date Received: Total Pages:

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7 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

DI THE UNITED STATES PATENT AND TRABEALARE OFFICE First Named Applicant: Kimble Serial No.: CBITTS, 5932 BERNAINE: EC Filed: Fahrnary 2, 2003 FOI: WEB BROWSER PLUG IN FOR TV SON3463.01 FOI: WEB BROWSER PLUG IN FOR TV SON3463.01 FOR Diego, CA \$2101 Casteman No.: 56738 EACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PITITIO FOR RATENSION OF TRACE Commissioner for Phenic Alexandria, VA 22313 Factional No.: (571) 273-3368 Dear Sit: In response to the Office Action deard May 2, 2005, eminsed are the following: 1. A Position for Revival of an Application for Faction Attended Williamstonally (3 pgs.) Publish for Estamation of Times Unified 27 CFR 1,136(a) (1pg). The Commissions is authorized to charge the Phinaria for the Empire Accessed May 2, 2005, eminsed they be required under 37 CFR 1,18 or 147. 1. 31700 - Perities for Revival Respondedly submised. Respondedly submised. Respondedly submised. Respondedly submised.	First Named Applicant: Kirable Serial No.: 09/773,092 Piled: Fahruny 2, 3001 For: With BROWSER PLUG IN FOR TW Samagy 30, 2005 750 B SWA, Sain 3120 San Diego, CA 72101 Custamar No.: 36738 EACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND FIT FOR EXAMINATION OF TIME Commissioner for Paerros Alexandria, VA 22313 Fandarde No.: (371) 273-3509 Dear Sit: In response to the Office Action deard May 2, 2005, exclused are the following: 1. A Position for Estavation of Time Under 37 CFE 1, 136(a) (1pg). Petition for Estavation of Time Under 37 CFE 1, 136(a) (1pg). The Commissioner to the Office Action (3 pg4). Respectively submissed.	FROM ACCOUNT ON CONTRACT OF THE CONTRACT OF TH	(MOH). JH BC BCCB (SIBTYS), PBIBBYHI, BKBBCBI
First Named Applicant: Kirable 3 crisi No.: 091773,092 3 Examiner: Ke Piled: February 2, 2001 Por: WEB BROWSER PLUG IN FOR TV 3 Sun Days, CA 52101 3 Customer No.: 36734 EACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PITITIO FOR EXTENSION OF TIME Commissioner for Paierro Alexandria, VA 22913 Facility No.: (573) 273-1348 Dear Sir; In response 19 the Office Action deard May 2, 2005, exclused are the following: 1. A Position for Revival of an Application for Facent Atmediated Unintentionally (1 pgs.) 2. Position for Estamation of Time Under 37 CER 1,135(8) (1pg). 3. Response to the Office Action (3 pgs.) The Commissioner in subsystem to charge the Ribering flow to Depart Actions Ma. Sp. 110 and a necessarily authorized over property or charge loss in substant to draw Bard Solins, should tay to required made 37 CFR 1,18 or L17. 3. 13700 - Peridens for Revival 2. \$1000 - Peridens for Revival Ashu L. Fogles Respectfully submined. Actions of Revival 3. Story of Revival 2. \$1000 - Peridens for Revival 3. Story of Revival 3. Story of Revival 3. Story of Revival 2. Story of Revival 3. Story of Revival 4. Story of Revival 5. Story o	First Named Applicant: Kirable Serial No.: 09/773,092 Piled: Fahruny 2, 3001 For: With BROWSER PLUG IN FOR TW Samagy 30, 2005 750 B SWA, Sain 3120 San Diego, CA 72101 Custamar No.: 36738 EACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND FIT FOR EXAMINATION OF TIME Commissioner for Paerros Alexandria, VA 22313 Fandarde No.: (371) 273-3509 Dear Sit: In response to the Office Action deard May 2, 2005, exclused are the following: 1. A Position for Estavation of Time Under 37 CFE 1, 136(a) (1pg). Petition for Estavation of Time Under 37 CFE 1, 136(a) (1pg). The Commissioner to the Office Action (3 pg4). Respectively submissed.	נא דאוג לאון	ITED STATES PATENT AND TRADERIARS OFFICE
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750 B STIPM, Sulm 312D San Diego, CA 92101 San Diego, CA 92101 Customar No.: 36738 EACSIMILE TRANSMITTAL LISTING FOR RESPONSE TO OFFICE ACTION AND PRIFTO FOR STIPMENT OF THE PRINTS OF THE OFFICE ACTION AND PRIFTO FOR STIPMENT OF THE OFFICE ACTION AND PRIFTO FOR STIP	750 B Street, Sain 312D 3 an Diego, C. 52101 3 an Diego, C. 52101 Customer No.: 36736 FACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PRY FOR EXERCISION OF TRAIN Commissioner for Potents Alexandria, VA 22213 Faceignile No.: (574) 273-13466 Dear Sir: In response 19 the Office Action deed May 2, 2005, exclused are the following: 1. A Position for Revival of an Application for Passet Alexandria of Unintentionally (3 pgs.) 2. Feitign for Estamation of Time Under 37 CFB 1.136(a) (1pg). 3. Response to the Office Action (3 pgs). The Commissions is multiprivate to charge the Rivering flow to Investigate the properties of adoption for Passet Solar, should they in required under 37 CFB 1.16 or Li 1. \$1300 - Periodes for Revival 2. \$1620 - Periodes for (3) Three Month Extension of Time Respectfully submitted, Advise In Rogida Respectfully submitted, Advise 1 Revised 30 B Sect., \$268 3120	Filed: Tehrany 2, 3001	} } \$0N3463.01
Commissioner for Paterns Commissioner for Paterns Alexandria, VA 22313 Pacsingle No.: (571) 273-1306 Dear Sir; In response to the Office Action dated May 2, 2005, enclosed are the following: 1. A Positron for Revival of an Application for Patern Atmentmed Unintentionally (3 pgs.) 2. Positron for Estamation of Time Unifer 37 CFB 1,136(a) (1pg). 3. Response to the Office Action (3 pgs). The Commissional is authorized to charge the Rimark flow to Deposit Accessed No. 20,110 and a administrative description for Paterns Included States for the Paterns Included States of CFB 1,16 or L87. 1. \$1000 - Petition for Revival 2. \$1000 - Petition for Revival 2. \$1000 - Petition for (3) Three Month Estamation of Time Respondedly submitted, Advis L. Rogles Replacement of Revival 2. \$1000 - Petition for (3) Three Month Estamation of Time Respondedly submitted, Jackson 1, 25, 369 Alternacy of Revisal 2. \$1000 - Petition for 2.2011 Disp. CA 22301	Commissioner for Paterns Alexandria, VA 22313 Panelusia No.: (571) 273-2308 Dear Sie: In response to the Office Action deaed May 2, 2005, enclosed are the following: 1. A Position for Revival of an Application for Panels Atamétoned Unintentionally (1 pgs.) 2. Polition for Estamation of Time United 37 CFE 1,136(a) (1pg.) 3. Response to the Office Action (3 pgs.) The Commissioner is substituted to charge the Riberting flow to Ensemble they be properly under 37 CFE 1,13 or Li 2. \$1000 - Perition for Revival 2. \$1000 - Perition for (3) Three Month Extension of Time Respectfully submitted.	For: WEE SHOWSER PLU) 750 B Street, Suits 3120
Commissioner for Paterns Alexandria, VA 22313 Phoniquide No.: (572) 273-8346 Dear Siz: In response to the Office Action dead May 2, 2005, encircted are the following: 1. A Position for Revival of an Application for Pances Atometoned Unintentionally (3 pgs), 2. Publish for Estension of Time Unifer 37 CFB 1,136(a) (1pg). 3. Response to the Office Action (3 pgs), The Commissions of analyses of charge the Releving No. 1,136(a) (1pg). The Commissions is analyses of the others the Releving No. 1,136(a) (1pg). 3. \$1000 - Perform for Revival 2. \$1000 - Perform for Revival 2. \$1000 - Perform for Revival Ashra L. Region No. 33,369 Attaracy of Record. Ashra L. Region No. 33,369 Attaracy of Record. 30 B Stock. Sales 3120 Jun Diego, Ca. 82 2001	Commissioner for Paterns Alexandria, VA 22313 Faccincile No.: (574) 273-3340 Dear Sir; In response to the Office Action dated May 2, 2005, enclosed are the following: In response to the Office Action for Famos Atometoned Unintentionally (3 pgs.) Petition for Estimation of Time Under 37 CFB 1,135(a) (1pg.) Response to the Office Action (3 pgs.) The Commissional is multi-view to charge the Ribering flow to Empirical Accessed Fa. 30-115 and a national and created commissions are charge lies in addition to drove linear belief, though they be required make 37 CFB 1,16 or later 1. 31500 - Pecition for Revival 2. \$1000 - Pecition for (3) Three Month Extension of Time Respondibly submitted. Advant. Region Respondibly submitted. Advant. Region Respondibly submitted. Advant. Region Respondibly submitted.)
Commissioner for Paterns Alexandria, VA 22313 Faceincide No.: (571) 273-8566 Dear Sit: In response to the Office Action deed May 2, 2005, enclosed are the following: 1. A Position for Revival of an Application for Paces Attandened Unintentionally (2 pgs.) 2. Pointon for Extension of Time Unifer 37 CFR 1,135(a) (1pg.) 3. Response to the Office Action (3 pgs.) The Commissioner is unintented to clarge the Riberting flow to Impact Accepted May 251110 and is admissionly anthorized or charge the intention to charge the intention of the Paces and the State of the Paces and State of the State of the Paces and State of the Paces of the Paces of the State of the Paces of t	Commissioner for Paterns Alexandria, VA 22313 Passingle No.: (572) 273-3309 Dear Sir In response to the Office Action deard May 2, 2005, exclused are the following: In response to the Office Action deard May 2, 2005, exclused are the following: J. A Position for Revival of an Application for Passet Atmetioned Unintentionally (3 pgs.) Pointon for Extension of Time Under 37 CFR 1,136(a) (1pg). Response to the Office Action (3 pgs.) The Commissioner is multi-view to charge the Ribering flow to Deposit Accepted No. 30-1113 and is notificated and extension or represents or charge line in indicate to deep lined belief, thereto they in required under 37 CFR 1,18 or later to the Commission of Time Respectfully submissed, Advanced Propriate Time (3) Three Month Extension of Time Respectfully submissed, Advanced Respectfully submissed,	FACSIMILE TRANSMITTAL	
Alexandria, VA. 22913 Passingle No.: (571) 273-8368 Dear Sir: In response to the Office Action dated May 2, 2005, exclusted are the following: 1. A Position for Revival of an Application for Parase Attendened Unintentionally (3 pgs.) 2. Position for Estantion of Time Under 37 CFR 1,136(a) (1pg). 3. Response to the Office Action (3 pgs.) The Commissions is milystered to charge the Palmering flow to Deposit Account No. 39-115 and is additionally anthropod of Create overspowers or charge line its middle in the Office Book of the Paraset Account No. 31,300 - Petition for Revival 2. \$1000 - Petition for Revival 2. \$1000 - Petition for (3) Three Month Extension of Time Respectfully submitted. Respectfully submitted. Respectfully submitted. Respectfully submitted. Paraset Respectfully submitted. State S	Alexandrie, VA 22313 Passignie No.: (572) 273-3549 Dear Sir; In response to the Office Action deaed May 2, 2005, exclused are the following: 1. A Position for Revival of an Application for Parast Ataméoned Unintentionally (2 pgs.) 2. Position for Extension of Time Unife 27 CFE 1,136(a) (1pg.) 3. Response to the Office Action (3 pg.). The Commissions is multi-rived to charge the Parastriag from to Deposit Account Va. 50-110 and a notification of Orthocompanies of charge limit in addition to charge limit below, should they be properly and an admission of the 31 200 - Pecifican for Revival 2. \$1000 - Pecifican for (3) Three Month Extension of Time Respectfully submitted, Adm L. Rogles Respectfully submitted, 750 B Sheet, Sales 3120		FOR EXTENSION OF TIME
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2. \$1000 - Perities for (3) Three Much Extension of Time Respectfully submined, Aday L. Pogles Royande No. 20, 546 Alturacy of Recent 750 B Street, Salas 5120 Jun Diego, CA \$2201	1. 31900 - Profess for (3) Three Month Extension of Time Respectfully submitted. Adm L. Rogies Roghratha No. 23,566 Attracy of Recund 750 B Sect. Sales 3120	1. A Position for Revival of a 2. Patition for Estaman of Ti	no Application for Parisa: Attendoned Unintentionally (1 pgs.) Fine Unifer 37 CFE 1,136(a) (1pg).
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First N	lamed Applicant: Kimble)	Art Unit: 2174	RECEIVED
Serial	No.: 09/775,692)	Examiner: Ke	CENTRAL FAX CENTER
Filed:	February 2, 2001)	50N3463.01	MAY 1 8 2006
For:	WEB BROWSER PLUG IN FOR TV)))	January 30, 2006 750 B Street, Suite: San Diego, CA 921	
			Customer No.: 36	738

FACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PETITION FOR EXTENSION OF TIME

Commissioner for Patents Alexandria, VA 22313 Facsimile No.: (571) 273-8300

Dear Sir:

In response to the Office Action dated May 2, 2005, enclosed are the following:

- 1. A Petition for Revival of an Application for Patent Abandoned Unintentionally (2 pgs.)
- 2. Petition for Extension of Time Under 37 CFR 1.136(a) (1pg).
- 3. Response to the Office Action (3 pgs).

The Commissioner is authorized to charge the following fees to Deposit Account No. 50-1119 and is additionally authorized to credit overpayments or charge fees in addition to those listed below, should they be required under 37 CFR 1.16 or 1.17.

- 1. \$1500 Petition for Revival
- \$1020 Petition for (3) Three Month Extension of Time

Respectfully submitted,

John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

We are transmitting a total of 7 page(s) including this cover sheet.

IF YOU DO NOT RECEIVE ALL TRANSMITTED PAGES, PLEASE CALL US AT: 619/338-8075

ORIGINAL DOCUMENTS WILL BE SENT VIA:

()U.S. MAIL

()FEDERAL EXPRESS

()MESSENGER

(X)WILL NOT BE SENT

RECEIVED (THU) MAY 18 2006 8:51/ST. 8:48/No. 6833031168 P 10 CENTRAL FAX CENTER

MAY 1 8 2006

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Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITI	ON FOR REVIVAL O	F AN APPLICATION FOR P DNALLY UNDER 37 CFR 1.1	ATENT	Docket Number (Optional) 50N4363.01
First nan	ned inventor; David Michael (Cimble		
Applicati	on No.; 09/775, 692	A	rt Unit: 2174	
1	oruary 2, 2001	E	xaminer, Ke	
Title: Web	Browser Plug In for TV			
Mail Stor Commiss P.O. Box Alexandri	Office of Petitions Petition ioner for Patents 1450 a, VA 22313-1450) 273-8300			
	NOTE: If information of Information at (or assistance is needed in completin 571) 272-3282.	ng this form, pl	lease contact Petitions
action by t	the United States Patent a	ecame abandoned for failure to fil and Trademark Office. The date of a office notice or action plus an exte	abandonment	is the day after the expiration.
	APPLICANT HE	REBY PETITIONS FOR REVIVAL	OF THIS APPL	LICATION
	(1) Petition fee;(2) Reply and/o	r issue fee;		
	filed before .	claimer with disclaimer fee - require June 8, 1995; and for all design app at the entire delay was unintention	olications; and	and plant applications
	ill entity-fee \$ (37 CFR 1.17(m)). Applicant claims \$(37 CFR 1.17(m))	-	atus. See 37 CFR 1.27,
. Reply an A,		the above-noted Office action in		
, ,	the form of Response to C	office Action, Petition for 3 month Extention	(identify	type of reply):
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		(Page 1 of 2)		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case, Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

,	j.	DTO(CD)A444
U.s. Patent and	Trademark Office: II S DEC	PTO/SB/64 (10-05 07/31/2006, OMB 0651-003 PARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of 3. Terminal disclaimer with disclaimer fee	information unless it displays	a valid OMB control number
Since this utility/plant application was filed on or after June 8, 1999	5, no terminal disclai	mer is required.
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$	for a small e	entity or \$
for other than a small entity) disclaiming the required period of time PTO/SB/63).	ė is enclosed herewi	th (see
4. STATEMENT: The entire delay in filing the required reply from the due filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [Intrademark Office may require additional information if there is a question abandonment or the delay in filing a petition under 37 CFR 1.137(b) was subsections (III)(C) and (D)).]	NOTE: The United S on as to whether eith	itates Patent and er the
WARNING:		
Petitioner/applicant is cautioned to avoid submitting personal information in doct contribute to identity theft. Personal information such as social security numbers (other than a check or credit card authorization form PTO-2038 submittee USPTO to support a petition or an application. If this type of personal information uspective of personal information to the USPTO. Petitioner/applicant is advised that the record of a patent application of the application (unless a non-publication request in compliance with 37 CFR 1.2 of a patent. Furthermore, the record from an abandoned application may also be referenced in a published application or an issued patent (see 37 CFR 1.14). Che 2038 submitted for payment purposes are not retained in the application file and the Signature	bers, bank account no d for payment purpose tion is included in docu n from the documents l tion is available to the 213(a) is made in the a be available to the pub- cks and credit card au	umbers, or credit cardis) is never required by ments submitted to the before submitting them public after publication pplication) or issuance blic if the application is thorization forms PTO-y available.
olghotalo	Dai	76
JOHN L. ROGITZ	33,5	
Typed or printed name	Registration Num	ber, if applicable
750 B STREET, SUITE 3120	619.338	
Address	Telephone	Number
SAN DIEGO, CALIFORNIA 92101		
Address Enclosures: Fee Payment		
✓ Reply		
Terminal Disclaimer Form		
Additional sheets containing statements establishing uni	intentional delay	
Other: Petition for 3 month extension		
CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being: Deposited with the United States Postal Service on the date spostage as first class mail in an envelope addressed to: Mail Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United Office as (571) 273-8300. Date Typed or printed name	shown below with su Stop Petition, Commed ed States Patent and U.J.O.E. ignature	nissioner for d Trademark

CENTRAL FAX CENTER (THU) MAY 18 2006 8:52/ST. 8:48/No. 6833031168 P 12

Approved for use through 07/31/2006. OMB 0851-0031

MAY 1 8 2006

U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE

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Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Under the paperwork Reduction Act of 1995, no persons are required	to respond to a collection	(loneite-e-	
Under the paperwork Reduction	CFR 1.136(a)		
PETITION FOR EXTENSION OF TIME UNDER 37		50N3463.01	
FY 2005	5 (H.R. 4818).)		2 2001
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 200)		Filed February	2, 2001
number 09/775,692			
For Web Browser Plug In For TV		Examiner Ke	
		examine and in the	above identified
Art Unit 2174	e) to extend the per	lod for filing a teply in all	
This is a request under the provisions of 5. application. The requested extension and fee are as follows (check to			fee below):
application.	lme period desired	and enter the appropries	
The requested extension and tee are as issued	<u>Fee</u>	Small Entity Pee	
	\$120	\$60	\$_
One month (37 CFR 1.17(a)(1))	'\	\$225	S
Two months (37 CFR 1.17(a)(2))	\$450	`	\$ 1020
	\$1020	\$510	,
Three months (37 CFR 1.17(a)(3))		\$795	s
Four months (37 CFR 1.17(a)(4))	\$1590		s
Four monard (47(a)(5))	\$2160	\$1080	
Five months (37 CFR 1.17(a)(5))	··_ _		
Applicant claims small entity status. See 37 CFR 1	1.27-		}
Applicant claims simulated in enclosed.	_		
A check in the amount of the fee is enclosed.			l l
Payment by credit card. Form PTO-2038 is a	attached.		seit Account.
Payment by credit card. Form PTO-2038 is a The Director has already been authorized to	charge fees in th	is application to a Dept	5317,1020
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application vertex application with a spin carrot and assignee of record of the enti- Statement under 37 CFR	3 73(b) is enclos	ed (Form PTO/SB/96).	
Statement under 37 CFR attorney or agent of record. F	Serietration Num	ber 33,549	
attorney or agent of record. I	460istration		•
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attorney or agent under 57 C Registration number if acting ur	nder 37 CFR 1.34	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ary 30, 2004
1			Date
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John L. Rogitz			lephone Number
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Typed or printed name NOTE: Signatures of all the inventors or assignees of record of the country is required, see below.	na entire interest or their	representative(s) are required. 3	
NOTE: Signatures of all the inventors or assigned of techniques			
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This collection of information is required by 37 CFR 1.138(a). The This collection of information is required by 37 CFR 1.138(a). The USPTO to process) an application. Confidentiality is governed by USPTO to process) an application. Confidentiality is governed by complete, including pathering, preparing, and submitting the complete this tom comments on the amount of time you require to complete this tom comments and Trademark Office. U.S. Department of Commercial Comments and Trademark Office.	seted application form to	the USPTO. Time will vary dep	sent to the Chief Information Difficer,
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If you need assistance in completing the form, call 1-800-PTQ-9199 and select option 2.

RECEIVED CENTRAL FAX CENTER

MAY 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kimble) Art Unit: 2174
Serial No.: 09/775,692) Examiner: Ke
Filed: February 2, 2001) 50N3463.01
For: WEB BROWSER PLUG IN FOR TV) January 26, 2006) 750 B STREET, Suite 3120
) San Diego, CA 92101

RESPONSE TO OFFICE ACTION

Commissioner for Patents Alexandria, VA

Dear Sir:

This response to the Office Action dated May 2, 2005 is accompanied by the requisite petition to revive, extension fees, and revival fees.

Reconsideration of the above-captioned application is respectfully requested. All currently pending claims except for Claim 23 have been rejected under 35 U.S.C. §102 as being anticipated by Anderson et al., USPN 6,219,042, and Claim 23 has been rejected under 35 U.S.C. §103 as being unpatentable over Anderson et al. in view of Houghton et al., USPN 6,757,707. The rejections are traversed for the following reasons.

Anderson et al., col. 1, line 56 through col. 2, line 21 has been used as a teaching of displaying a video content frame within a Web browser content frame in a windowless environment. This allegation is incorrect.

The relied-upon portion of Anderson et al. simply discusses toggling between a TV mode and an Internet mode

1168-176. AMD

FROM ROGITZ 619 338 8078

(THU) MAY 18 2006 8:52/ST. 8:48/No. 6833031168 P 14

CASE NO.: 50N3463.01 Serial No.: 09/775,692

January 26, 2006

Page 2

PATENT Filed: February 2, 2001

(col. 2, lines 15-18). It says nothing about combining a video frame in a Web frame. For this reason, the rejections are overcome.

Anderson et al., col. 4, lines 53-68 has been used as a teaching of generating a transparent section in browser based content frame. This allegation is incorrect. The relied-upon section discusses totally different concepts, namely, a pop-up button bar that can be used to select favorite TV channels, or to select a TV planner for planning TV viewing, or to select a VCR, or to select a list of Web sites that are associated with TV channels. But there is absolutely nothing about transparent sections, much less transparent sections in browser based content frames. For this reason, the rejections are overcome.

Anderson et al., col. 5, lines 15-24 has been used as a teaching of overlapping video into the transparent section. This allegation is incorrect. The relied-upon portion of Anderson et al. only discusses that in the Internet mode, a TV window 98 can be displayed during Internet browsing, but nothing in this section states that the window 98 is overlaid into a transparent section, as opposed to being superimposed onto Web content, much less does Anderson et al. enable one how to render the claimed transparent section. Since Anderson et al. does not teach all claimed limitations and since in any case it evidently is not enabling, the rejections are overcome (see MPEP §2121; since Anderson et al. does not even mention the word "transparent", how can it enable a transparent section of a browser display?)

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

1168-176.AMD

4

CASE NO.: 50N3463.01 Serial No.: 09/775,692 January 26, 2006

PATENT Filed: February 2, 2001

Page 3

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

John L. Rogitz

Registration No. 33,549

Attorney of Record

750 B Street, Suite 3120

San Diego, CA 92101 · Telephone: (619) 338-8075

JLR:jg

1168-176.AMD

The U.S. Patent & Trademark Office acknowledges receipt of the following enclosures and assigns the serial number and/or date stamped hereon:

First named

Inventor:

David Michael Kimble

Serial No.: Filed:

09/775,692 February 2, 2001

Docket No.:

50N3463.01

Enclosures:

1. Transmittal letter

2. Revocation of Power of Attorney with New Power of Attorney and

JAN 1 7 2006

Change of Correspondence Address

Date Mailed: January 12, 2006 1168.176

ROGITZ & ASSOCIATES Symphony Towers 750 "B" Street, Suite 3120 San Diego, California 92101 1108.110

RECEIVED CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **UTILITY PATENT APPLICATION TRANSMITTAL** UNDER 37 CFR 1.53(b)

MAY 1 8 2006

	THE EIGHT OF ICT	100(10)
Address to:	Attorney Docket No.	50N3463.01
Commissioner for Patents	Inventor(s)	David Michael Kimble
Mail Stop: Amendment	Serial No.	09/775,692
P.O. Box 1450	Filed:	February 2, 2001
Alexandria, VA 22313	Art Unit	2174
	Total Pages	2
	Customer No.	36738

TRANSMITTAL LETTER FOR - REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Transmitted herewith are the following:

Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address

<u>x</u> Acknowledgment postcard

Respectfully submitted,

John L. Rogitz, Atty. of Record, Reg. No. 33,549 750 "B" Street, Suite 3120, San Diego, CA 92101

Telephone: (619) 338-8075

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on January 12, 2006

Date Signed: January 12, 2006

(THU) MAY 18 2006 8:53/ST. 8:48/No. 6833031168 P 18

PYO/SB/82 (04-05)

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MAY 18 2006

Under the Pacerwork Reduction Act of 1985, no agreems are required to n		ruse prough 1730/2000, OND DESTRUZ; Tice; U.S. DEPARTMENT OF COMMERCE ass it distribus a valid ONE control sumber
	Application Number	08/775,692
REVOCATION OF POWER OF	Filing Date	02/02/2001
ATTORNEY WITH NEW POWER OF ATTORNEY	First Named Inventor	KIMBLE
AND	Art Unit	2174
CHANGE OF CORRESPONDENCE ADDRESS	Examiner Name	PENG KE
CONTROL OFFICE ADDRESS	Attorney Docket Number	50N3463.01
I hereby revoke all previous powers of attorney given A Power of Attorney is submitted herewith.	in the above-identified an	polication.
OR I hereby appoint the practitioners associated with the	e Customer Number:	36738
Please change the correspondence address for the a The address associated with Customer Number; OR	bove-identified application t	o:
Firm or Individual Name		
City	State	Zip
Country		
Telephone	Email	
I am the:		•
Applicant/Inventor.	•	
Assignee of record of the entire Interest. See 37 CFR Statement under 37 CFR 3.73(b) is enclosed. (Form I	R 3.71, PTO/SB/96)	
SIGNATURE of Applicant or	Assignee of Record	
Signature		*
Name HAROLD T. FUJII		
Pale	Telephone (408) 955-499	
OTE: Signatures of all the inventors or sestionees of record of the entire interest or the greature is required, see below'.	n representaive(s) um required. Subm	it multiple forms if more than one
"Total of 1 forms are submitted.		
is collection of information is required by 37 CFR 1,36. The information is required to	A Abiain or mish a handli bu ma andi	

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141003

Fee History Report

Page 1 of 1



Revenue Accounting and Management

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		-				
Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/17/2006	ii 00000005	1	1253	\$1,020.00	05/17/2006	DA 193195 #
05/17/2006	00000006	1	1 <u>453</u>	\$1,500.00	05/17/2006	DA 193195
02/09/2006	.: 00000020	1	1806	\$180.00	02/09/2006	CC
05/18/2004	00000094	1	1,253	\$950.00	05/17/2004	DA 501119
09/14/2001	00000195	1	581	\$40.00	09/10/2001	DA 501119
09/06/2001	, 00000067	1	<u>105</u>	\$130.00	09/04/2001	DA 501119
09/06/2001	00000068	1	116	\$390.00	09/04/2001	DA 501119
02/08/2001	00000006	<u>1</u>	101	\$710.00	02/02/2001	DA 501119
02/08/2001	· 00000007	1	102	\$480.00	02/02/2001	DA 501119
02/08/2001	: 00000008	1	103	5180.00	02/02/2001	DA 501119

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